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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
ARTISAN MANUFACTURING CORPORATION, :

Civil Action No.: 07 CV 11278

Plaintiff, :

- against - :

ALL GRANITE & MARBLE CORPORATION., :

Defendant. :
----- X

**DECLARATION OF JOHN MALTBIE IN FURTHER SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY INJUNCTION**

EXHIBIT H

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ARTISAN MANUFACTURING
CORPORATION,

Plaintiff,

VS.

07-cv-11278 (WHP)

ALL GRANITE & MARBLE
CORPORATION,

Defendant.

DEPOSITION OF DANIEL PILSZAK
Parsippany, New Jersey
Thursday, February 7, 2008

Reported by:

FRANCIS X. FREDERICK, CSR, RPR, RMR

JOB NO. 15244A

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February 7, 2008
10:04 a.m.

Deposition of DANIEL PILSZAK,
held at the offices of Hoffmann & Baron,
6 Campus Drive, Parsippany, New Jersey,
pursuant to Notice, before Francis X.
Frederick, a Certified Shorthand
Reporter, Registered Merit Reporter and
Notary Public of the States of New York
and New Jersey.

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APPEARANCES:

ARNOLD & PORTER
Attorneys for Plaintiff
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HOFFMANN & BARON, LLP
Attorneys for Defendant
6 Campus Drive
Parsippany, New Jersey 07054
BY: JON A. CHIODO, ESQ.

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D. PILSZAK
DANIEL PILSZAK, called as a
witness, having been duly sworn by a
Notary Public, was examined and
testified as follows:

EXAMINATION BY
MR. MALTBIE:

Q. Good morning. My name is John
Maltbie. I'm an attorney with the law firm of
Arnold & Porter. My firm represents Artisan
Manufacturing Corp., a manufacturer and
distributor of Artisan brand sinks, in
connection with a lawsuit that has been filed
against All Granite & Marble Corporation.

Mr. Pilszak, we were introduced a
moment ago but if you could kindly state your
full name and residential address for the
record I'd appreciate it.

A. Not a problem. My name is Daniel
Pilszak. And I live at 486 South Pine Avenue
in South Amboy, New Jersey, 08879.

Q. And just to clarify, another
discussion we had off the record was just with
respect to your name. And Dan Pilszak, that's
your official name?

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A. That's my official name.

Q. Okay. Do you go by another name
at All Granite?

A. I do.

Q. And what name is that?

A. Chris.

Q. And is it also Chris Pilszak or is
it Chris something else?

A. It's just Chris.

Q. Now, prior to today, Mr. Pilszak,
have you ever been deposed or given testimony
in a legal matter?

A. Can you ask me that question one
more time? I'm sorry.

Q. Sure, sure. Prior to today, have
you ever been deposed or given testimony in
connection with a legal matter?

A. No.

Q. All right. So I'm just going to
go over some of the ground rules so that you
know sort of what how we're hopefully going to
interact today. I'll be asking you a series
of questions regarding your knowledge of the
facts and circumstances surrounding All

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Granite's promotion and use of sinks in connection with its countertop installation services. It's your obligation to answer my questions truthfully and to the best of your ability.

Do you understand that?

A. I do.

Q. In the event that you do not understand a question that I've asked, please let me know and I will rephrase it just as we just did.

A. I understand.

Q. Also, if you need a question repeated please let me know and we can have the reporter, who's sitting here between us, read the question back, okay?

A. Yes.

Q. In addition, it's important that you provide verbal answers to my questions rather than a nod or a gesture. That way we can make sure the reporter can take down an accurate record with respect to the spoken words.

Do you understand?

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A. Okay.

Q. And, then, I'll also ask when I'm asking a question please wait for me to finish my question before you begin your answer and I'll try to wait for you to finish your answer before I begin my next question.

A. That's understandable.

Q. Just so we don't step on each other.

And if you need to take a break at any time just let me know and we can take a break. I only ask that you not ask to take a break while a question is pending. So if I ask a question, if you want to take a break, just answer the question and then we can take a break right after that, okay?

A. Okay.

Q. Now, Mr. Pilszak, is there any reason that you would not be able to testify truthfully today? Are you under any medication, feeling under the weather, any situation that I should know about?

A. I feel fine.

Q. Terrific. And, Mr. Pilszak, just
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to clarify on an issue that's been raised with respect to language, is English your first language?

A. Yes.

Q. So were you born and raised in the United States?

A. I was born and raised here.

Q. Terrific. What's the highest level of schooling you've completed?

A. Associate's degree.

Q. And where was that?

A. Middlesex County College.

Q. Mr. Pilszak, in connection with today's deposition, did you speak with anyone other than your attorney in anticipation or preparation for your testimony?

A. No, sir.

Q. So you didn't speak with anyone at All Granite with respect to your testimony today?

A. No, sir.

Q. Okay.

A. Oh, maybe Robert.

Q. Robert --

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A. Yeah, we sat with the attorneys in the office.

Q. Is that Robert Deja?

A. Yes, sir.

Q. And who is Robert Deja?

A. I don't really know him. I've seen him twice in my life. I know he's at Ridgefield Park.

Q. Is he an employee of All Granite?

A. He's an employee.

Q. And do you know what position he has?

A. No, sir.

Q. You said you saw him twice in your life. And the one occasion was during a meeting with attorneys in relation to this case?

A. Yes, sir.

Q. And was the other occasion something different?

A. The second time today.

Q. And leading up to this deposition have you been instructed by anyone to collect any documents relating to this document?

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A. No, sir.

Q. Do you know if any other All Granite employees were asked to search for documents in connection with this matter?

A. No, sir.

Q. And did you review any documents in preparation for your testimony today?

A. Review any documents. No.

Q. Mr. Pilszak, are you currently employed by All Granite?

A. Currently employed by All Granite, correct.

Q. And how would you describe the nature of All Granite's business?

A. The nature of All Granite's business? What I do there?

Q. Let's start with your understanding of what All Granite does as a business and then we'll get to your responsibilities later.

A. Okay. They sell kitchen countertops and bathroom vanity tops. Granite, marble.

Q. Is there anything else that they

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sell?

A. That's all they sell.

Q. And how long have you been employed with All Granite?

A. August 15th, 2007, and presently employed.

Q. Do you have a title there?

A. Salesman.

Q. And has that been your only title there?

A. I was a junior salesman. Now I'm a salesman.

Q. And how long were you a junior salesman?

A. Roughly two months.

Q. And what's the distinction between junior salesman and salesman, if you know?

A. To be honest with you I really don't. I guess a salesman has a little more access in the database.

Q. You understand it to be some sort of probationary period or something like that?

A. Similar.

Q. Were you receiving any training

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during the period while you were a junior salesman?

A. I was.

Q. What kind of training were you receiving?

A. Just to get to know the program that we use.

Q. And when you say the program, are you talking about a computer program or something else?

A. Yes. Computer program.

Q. Besides learning about the computer program, was there any other training that you received with respect to salesmanship, for example?

A. Just basically walking the customer through the warehouse, showing them slabs.

Q. Now, as a salesman, can you describe your primary duties and responsibilities?

A. Yes. Usually walk up to the customer, show them the sample board with the samples, a few colors. Tell them to pick some

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colors. Have a seat at my desk. Please give me some dimensions. I do an estimate. And they go back to the sample board. Either they write some numbers down and I grab them samples from the warehouse or I can just take them physically into the warehouse and show them the slabs.

Q. Now, presently does anyone report to you at All Granite?

A. Report to me in what sense?

Q. Do you have a subordinate or someone that is under you or assigned to you?

A. No, sir.

Q. And do you know how many people there are at the -- I'm sorry. You said you're at the South Plainfield location; is that correct?

A. Correct.

Q. Do you know how many salespeople are at the South Plainfield location?

A. Including the managers -- there's ten people sitting at the desks. And everybody has a different -- either a junior salesman or salesman. There's ten of us in

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2 all. Everybody's inclined to get up and take
3 customers. So ten.

4 Q. Okay.

5 A. Ten salespeople.

6 Q. Is there a receptionist or someone
7 else who would take phone calls?

8 A. No. Everybody takes phone calls.

9 Q. So if I was to pick up the phone
10 and call South Plainfield my call could go to
11 any one of these ten people.

12 A. Correct, correct.

13 Q. And the ten people we're talking
14 about, I assume there's additional people who
15 work out in the warehouse; is that correct?

16 A. Correct.

17 Q. Do you know roughly how many
18 people work out in the warehouse?

19 A. Not a clue.

20 Q. Do you know if All Granite has
21 more than one location?

22 A. I do.

23 Q. And how many do they have?

24 A. Three total.

25 Q. And do you know where those --

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2 where the other two locations are?

3 A. I do.

4 Q. And what are those?

5 A. Stroudsburg, Pennsylvania, South
6 Plainfield, New Jersey, Ridgefield Park, New
7 Jersey.

8 Q. And have you been to each of these
9 locations?

10 A. I've only been to the one I work
11 at, South Plainfield.

12 Q. Do you have any understanding as
13 to the operations of either the Stroudsburg or
14 the Ridgefield Park locations?

15 A. I do not.

16 Q. With respect to the number of
17 salespeople, do you have an understanding as
18 to whether South Plainfield is a larger
19 showroom or a smaller showroom than either
20 Stroudsburg or Ridgefield Park?

21 MR. CHIODO: Objection to form.
22 You can answer.

23 A. From what I know -- I only work at
24 the South Plainfield location so I don't know
25 which display is bigger, which showroom is

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2 bigger. I've only been to the one location,
3 like I said before.

4 Q. Do you know how many salespeople
5 work at the Ridgefield Park location?

6 A. I do not.

7 Q. Do you know how many people work
8 at the Stroudsburg location?

9 A. No, sir.

10 Q. And how are you compensated by All
11 Granite? Is it straight salary? Is it salary
12 plus commission? Is it commission only? Or
13 is it something else?

14 A. It's just salary -- hourly.

15 Q. Hourly.

16 So are there any commissions for
17 sales performance?

18 A. No, sir.

19 Q. Are there any bonuses or anything
20 like that that you're aware of?

21 A. No, sir.

22 Q. And do you know if All Granite
23 provides any incentives or awards for its
24 salespeople?

25 A. No, sir.

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2 Q. And you just summarized before I
3 guess the way a typical transaction would
4 work; is that correct? People would come into
5 the store and look at the sample board?

6 A. That's usually --

7 Q. -- the first step?

8 A. Correct.

9 Q. And what is the sample board?

10 A. The sample board just has samples
11 of colors of granite, different types of
12 granite. Marble. Basically marble and
13 granite on the sample board.

14 Q. And do you typically greet a
15 customer there or would you wait for them to
16 sort of ask for help?

17 A. What we do is we walk up to the
18 customer and then it's either they come and
19 sit down at the desk where I am or we just
20 discuss colors first and then they get an
21 estimate. So it works both ways. It's either
22 we look at the colors or they got an estimate
23 first. Vice-versa.

24 Q. And how does it work with respect,
25 you know, to whose -- how do you assign

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responsibility for a customer as he walks through the door? Does it rotate? Whoever's available? Or something else?

A. Whoever's available. Like I said before, there's no commission so whoever's available grabs the first customer.

Q. Okay. Now, how many customers would you say that you would assist in a typical day?

A. Good 15 to 20. That's during the week.

Q. And on the weekend?

A. Saturday we're only open. That's a good 30 plus. It gets quite busy.

Q. And of those -- let's just talk about during the week. Of the customers that come in during the week, approximately how many of those customers would you say end up purchasing a countertop from All Granite?

A. I can't say. I only give estimates. And then further on I guess the manager confirms -- I don't have access -- like I said, I'm just a salesman. Maybe the guys above me, you know, confirm everything

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with the customers. I just do estimates and show the customers colors so...

Q. Okay. So after --

A. I guess I can confirm the color and the edge as far as that goes and then they move up to a higher rank.

Q. When you say a higher rank --

A. A salesperson.

Q. A higher-ranking salesperson?

A. Correct.

Q. And how many of these higher-ranking salespeople are in the South Plainfield location?

A. Above me I would say five.

Q. And those five are still included in the ten people that we've been talking about?

A. Yes.

Q. Ten salespeople.

A. Yes.

Q. And do you know the names of those five people?

A. I do.

Q. Can tell you me those names?

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A. Alex, Daniel, Julie, Blaze, and Lucas.

Q. Do you know if Alex holds any special title with respect to the South Plainfield location?

A. He's just the manager.

Q. Is he the overall manager of the South Plainfield location, to your knowledge?

A. I don't know. I just got hired by him. That's all.

Q. Would you consider Daniel, Julie, Blaze or Lucas also to be managers? Or are they something else?

MR. CHIODO: Objection. You can answer.

A. No.

Q. They're not managers.

A. Correct.

Q. Okay.

A. They've just been working there longer. That's all.

Q. Okay. So is there a point in time, to your understanding, when you'll be able to sort of follow through with the sale

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with a customer? Or is it something that's always going to be passed off to these five salespeople?

A. It gets passed off.

Q. And it would typically go to any one of these five; is that correct to stay?

A. Well, no. Who confirms. If Alex is there, Alex confirms. If Alex is not there Daniel confirms.

Q. And does it sort of go on down the line from there or is it just Alex and Daniel?

A. Well, the other people are higher-ranking salespeople. The people that confirm with the customers as far as the final details go is Alex or Daniel.

Q. So as you sit here today do you have any way to estimate how many kitchen countertop installations you would say that you sell in a week?

A. I have no knowledge of that. Once again, I don't work on a commission so I'm just there for hourly. I don't even pay attention to that stuff.

Q. Now, in addition to the sample

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board, does the South Plainfield location also have sinks on display?

A. Yes, they do.

Q. And where are those sinks located?

A. They're behind the sample board.

Q. And what is your understanding of the purpose of having the sinks on display?

A. It's just a display to show customers that we have sinks available. Basically if you buy a countertop you get a free sink with the order.

Q. Do you know if All Granite ever sells sinks?

A. They do not sell sinks.

Q. When you were providing estimates to customers how often would you say the issue of the installation of a sink comes up?

A. Slim to none.

Q. Would you say that most customers in your experience have their own sink that they want to install?

A. They usually provide their own sink.

Q. Do you have any way of knowing as
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you sit here today how many sinks are installed by All Granite in an average week?

A. I do not.

Q. Do you have any knowledge with respect to how many kitchen sinks All Granite keeps in its inventory?

A. I do not.

Q. Do you know who would know that?

A. I do not. Once again, I'm the low man on the totem pole so...

Q. Now, there's another salesperson I think you know that we're going to depose today named Peter Bucko. Do you know Mr. Bucko?

A. I do.

Q. And do you know how long Mr. Bucko has been working for All Granite?

A. I do not recall. I would -- I don't know. I don't know.

Q. Is he senior to you or junior to you?

A. He's been working there longer than me so he's a little higher than me.

Q. But he's not --

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A. I don't know how the steps go necessarily as far as what his, you know, position is there. But I know he's been working there for longer than me. So I guess if I have a question I go and ask somebody that's been longer than me. Working there longer than me.

Q. But there are occasions when customers that come into the store ask to see the All Granite kitchen sinks; is that correct?

A. The All Granite kitchen sinks on display, sure. If they're going through the warehouse, they see some sinks, they take a look.

Q. Do you ever -- well, let me ask you this. Have you ever received any training with respect to the sale or promotion of the kitchen sinks?

A. No.

Q. Would it be correct to say -- or strike that.

Does All Granite use coupons in connection with the sink promotion?

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A. With the sink promotion. I know there was coupons. Basically, you get a free sink with the order. I mean, if a customer comes in and he gives you a coupon, it gets thrown away. You get a free sink with the order. That's all.

Q. Has it been that way since you started working there in August of 2007?

A. Yes. People would come in, give you the coupon, you throw it away, they get a free sink with the order.

Q. So there's no -- you don't keep track or file the coupon in any way; is that correct?

A. Not at all.

Q. And if a customer doesn't have a coupon, do you ask them for it?

A. They get a free sink with the order. Regardless. If they have the coupon or they don't.

Q. I show you what was marked at a deposition yesterday as Defendant's Exhibit 70. And I'll represent to you that it was represented to me that these were excerpts

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from All Granite's document production which I guess collected various Clipper Magazine front pages and All Granite Marble advertisements which bear Bates stamps AGM 0122 through 0123, AGM 0136 through 0137, and -- strike that. Through 0141 is the closing number there. Sorry. And then AGM 0144 through 0145. AGM 0147 through AGM 0150.

Mr. Pilszak, if you could flip through what's previously been marked as Plaintiff's Exhibit 70 and tell me first looking at AGM 0123, have you ever seen a document like that before?

A. As far as the picture goes or the whole thing?

Q. The whole thing.

A. I think I've seen that before.

Q. And --

A. In the past.

Q. And what is your understanding of what this is?

A. To be honest with you I never paid attention to these. If I got a coupon I just threw it out when the customer left. Never

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really interested. Just basically not interested. Just work there just to work there.

Q. Now, if you look at the bottom of AGM 0123 there's sort of a dotted-line coupon portion of this page.

A. I see it.

Q. It lists there that the free sinks that are going to be included with the order of the countertop have a 360 to \$540 value.

Do you see that?

A. I do.

Q. Do you have any knowledge with respect to the basis of those figures?

A. To my understanding, it looks just like it's a value of the sinks just to show the customer that it's a value and you get it free with an order of a countertop.

Q. Do you know if All Granite sells any sinks for \$360?

A. No.

Q. Do you know if All Granite has ever sold any sinks for \$360?

A. No.

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Q. And do you know if All Granite sells any sinks for \$540?

A. No.

Q. Do you know if All Granite has ever sold any sinks for \$540?

A. No. To my knowledge, they've never sold any sinks because, like I said, you got a free sink with the order so...

Q. But you have experienced, have you not, customers giving you this coupon; is that correct?

A. Correct.

Q. And has any customer ever asked you about the value that's listed in the coupon?

A. No. They're just happy with the free sink.

Q. I think you mentioned this but what happens if a customer does not have a coupon? Does it make a difference?

A. It does not make a difference.

Q. So at some point during your consultation with a customer, do you inform them that they get a free sink with the -- or

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they would get a free sink with the purchase of their countertop?

A. Yes. Once again, it comes free with the order. When I go over the estimate I usually highlight square feet. Everything goes along. It's just my, you know, little process. I highlight you get a free sink with the order.

Q. Um-hum. So you tell them that verbally?

A. Yes.

Q. And if they're interested in that you direct them then to the sink display area?

A. Well, eventually they want to look at the sink so they go and look at the display.

Q. Do you know how many different models of sinks All Granite offers at the South Plainfield showroom?

A. I believe we have three.

No, excuse me. Five. There's two that are out of stock. It says -- there's a piece of paper in the sink that says out of stock so...

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Q. And have those been out of stock throughout the term of your employment since --

A. Correct, yes.

Q. Are you aware of any plans to reorder those items that are out of stock?

A. No, sir.

Q. And have you ever charged a customer for a sink?

A. No, sir.

Q. And what -- in consulting with the customer, what sort of document, if any, do you create in giving them the estimate?

A. I go into the computer program. I put in the dimensions, the edge, and numbers pop up. I print it out. That's basically it.

Q. And is there anything in the program or -- to keep track of a sink installation?

A. No.

Q. So how would you know if a sink was to be included with that particular order?

A. That's just what pops up on the piece of paper that comes out of the printer.

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Q. I'm sorry. What pops up?

A. You get a free sink with this order. So that's why I mention it.

Q. But I'm saying if someone wanted a free sink, how do you record that request?

A. Oh, I just make a note of it.

Q. And where is that note placed?

A. Just in the estimate logs.

Q. And the estimate logs are something that are kept with respect to each order or each customer?

A. I believe so. I know I can't erase it.

Q. So, to your knowledge, does All Granite create a document with respect to every estimate that it provides to customers?

A. I don't know if All Granite does.

Q. But do you create a document with each estimate that you give?

A. If a customer wants a sink from, us like I said, before with the "you get a free sink with the order," you either put in rectangle, D-shaped or a double bowl. And I don't -- you know, that's the only way I go by

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it because that's the only way I can remember the sinks is by shapes.

Q. But I'm asking a question that's a little bit different from that --

A. Um-hum.

Q. -- which is everyone that you sit down with to give an estimate, do you create a document for them, an estimate sheet; is that correct?

A. Oh, correct. A document meaning a an estimate?

Q. Yes.

A. Okay.

Q. And to your knowledge that's something that stays in the system, correct?

A. Yes, yes.

Q. I believe you said that you don't have any means for deleting those estimates, correct?

MR. CHIODO: Objection. You can answer.

A. I did say that before. I don't have a reason to delete those so I never tried.

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Q. Okay. Mr. Pilszak, have you ever heard of Artisan sinks?

A. Now.

Q. Have you ever heard of them prior to today?

A. No.

Q. Or in connection with this lawsuit.

A. Or in connection with this lawsuit. Like now. Now basically.

Q. And what -- do you recall the first time you heard about Artisan sinks?

A. Maybe this week when they told me to come in for this deposition.

Q. So other than being told you had to come in for a deposition in connection with Artisan sinks you had no knowledge of Artisan?

A. No knowledge. I live with my family. I don't care for a kitchen. I don't care for sinks.

Q. Do you know if All Granite ever purchased Artisan sinks from Artisan?

A. I do not.

Q. Do you know if All Granite ever

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1 **D. PILSZAK**
 2 **sold Artisan sinks to consumers?**
 3 A. I do not.
 4 **Q. Do you know if All Granite ever**
 5 **gave away Artisan sinks to consumers as part**
 6 **of its free sink promotion?**
 7 A. No, I don't.
 8 **Q. Have you ever received any product**
 9 **training with respect to Artisan sinks?**
 10 A. I have not.
 11 **Q. Were you aware that an Artisan**
 12 **sink was on display in the South Plainfield**
 13 **showroom?**
 14 A. No, I wasn't.
 15 **Q. Were you unaware of that until I**
 16 **just asked that question or did you learn it**
 17 **at some other earlier point?**
 18 A. That question is a little too
 19 screwed up for me to understand.
 20 **Q. Okay. Sitting here today and**
 21 **prior to me asking the question about an**
 22 **Artisan sink in the South Plainfield showroom**
 23 **had you ever been aware that there was an**
 24 **Artisan sink on display in South Plainfield?**
 25 A. Prior to what?

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1 **D. PILSZAK**
 2 **Q. Prior to today.**
 3 A. No. No.
 4 **Q. Did you ever -- did a customer --**
 5 **strike that.**
 6 **Did a customer ever ask you if an**
 7 **Artisan sink can be installed in their home?**
 8 A. No.
 9 **Q. Do you recall ever telling a**
 10 **customer that an Artisan sink could be**
 11 **installed in their home?**
 12 A. No. Because I had no knowledge of
 13 any kind of Artisan sinks.
 14 **Q. Okay.**
 15 A. I don't know about sinks. I'm not
 16 familiar.
 17 **Q. With respect to the sinks that are**
 18 **in the All Granite showroom do you know what**
 19 **types of sinks those are?**
 20 A. Yes.
 21 **Q. What types of sinks are those?**
 22 A. D-shaped, rectangle, or double
 23 bowl.
 24 **Q. Okay.**
 25 A. Stainless steel.

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1 **D. PILSZAK**
 2 **Q. Do you have any understanding with**
 3 **respect to the gauge of the stainless steel,**
 4 **for example?**
 5 A. No, that's out of my area.
 6 **Q. Mr. Pilszak, are you aware that**
 7 **Artisan, in connection with this lawsuit,**
 8 **hired a private investigator who visited the**
 9 **South Plainfield showroom?**
 10 A. I am.
 11 **Q. And how do you come by that**
 12 **knowledge?**
 13 A. I don't recall. I just -- like I
 14 said before, there's a lot of customers that
 15 come in. This is the first time I heard about
 16 Artisan sinks.
 17 **Q. The first time you heard about it**
 18 **is when?**
 19 A. For this deposition.
 20 **MR. MALTBIE: Let me mark as**
 21 **Plaintiff's Exhibit 1 a document Bates**
 22 **stamped ART 00022 through ART 00042.**
 23 **(Plaintiff's Exhibit 1, document**
 24 **bearing production numbers ART 00022**
 25 **through ART 00042, marked for**

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1 **D. PILSZAK**
 2 **identification as of this date.)**
 3 **MR. MALTBIE:**
 4 **Q. Mr. Pilszak, I ask you first if**
 5 **you've ever seen this document before.**
 6 A. I have not.
 7 **Q. If you'd just flip to --**
 8 A. It's confidential.
 9 **Q. It's fine. I'm showing it to you.**
 10 **Let's flip to what's Bates stamped**
 11 **ART 00039.**
 12 A. It's all the way in the back?
 13 **Q. Yes. It's towards the end.**
 14 A. Ooh, look at that.
 15 **Q. Mr. Pilszak, on this page there**
 16 **are two photographs. If you could look at the**
 17 **photograph on the top can you identify the**
 18 **gentleman sitting at a desk?**
 19 A. That's me.
 20 **Q. That's you, okay.**
 21 **Flip back to the beginning of the**
 22 **page -- the exhibit, I'm sorry.**
 23 A. (Witness complies.)
 24 **Q. Just to -- I'll represent to you**
 25 **that this report contains -- is from our -- is**

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from a private investigator who visited All Granite on two occasions, once on November 6th and the second time on November 27th where, according to the report, she was assisted by a gentleman named Chris, 25 to 28 years old, with light brown hair. And further identified Chris as the gentleman who -- on page ART 0039 who you identified as yourself.

A. Right.

Q. Are you known as Chris at All Granite?

A. I am.

Q. Is there any other Chris at All Granite?

A. There's only one Chris.

Q. And that's --

A. Me.

Q. -- you, okay.

You wouldn't happen to recall assisting a female customer on November 27th, 2007, would you?

A. No. There's a lot of female customers that come in.

Q. Understood. I understand.

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If you look at the page that's --

A. Which page?

Q. ART 00024. In the middle of the top paragraph there's a sentence that begins, "AD asked Chris what kind of sink it would be. Chris said there would be a display in the rear AD could chose from. AD asked more specifically what brand of sink and that on the previous visit AD was told of the Artisan sinks."

A. What's AD?

Q. That's the investigator's name, Allison Davies.

A. Oh. Oh, oh.

Q. "Chris confirmed that an Artisan sink could be installed. AD and Chris then viewed the sink display. Since Mr. Amabile, who's someone who works for Artisan, requested a D bowl AD confirmed with Chris that the D bowl on display was an Artisan sink."

Do you recall ever confirming to a female customer on November 27th, 2007, that she could have an Artisan sink installed?

A. Not at all.

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Like I said before, I referred to it as a D-shaped, a rectangle or a double bow. That's my knowledge of sinks there.

Q. Have customers to All Granite ever asked you about any other brand name sinks? Say Kohler, for example, or something else?

A. No.

Q. Have you ever seen any documents in the South Plainfield showroom that relate to or concern Artisan sinks?

A. No, sir.

Q. And do you know who manufactures the sinks that All Granite installs in customers' homes?

A. No, I do not.

Q. Do you have any knowledge as to how much these sinks cost All Granite?

A. No.

Q. Do you have any knowledge with respect to any suggested retail value associated with these sinks?

A. No.

Q. Has a customer ever asked you who manufacturers the sinks that All Granite

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D. PILSZAK

provides?

A. No.

Q. Are you familiar with -- strike that.

Do the sinks that All Granite installs have any design or logo on them?

A. Never paid attention to it.

Q. Do you know if they do or they don't or you have no knowledge?

A. I have no knowledge.

Q. Now, with respect to the way that phone calls are received at South Plainfield, if a customer was calling to complain, say, about a countertop installation, would that also be fielded by any of the salespeople?

A. I transfer it to somebody higher.

Q. So have you received complaints with respect to anything while you've been a salesperson at All Granite?

A. Complaints -- not so much complaints. Basically something like "Our kitchen countertop was installed very well." You know, "We just wanted to say that you guys did a great job." And then, you know, I'll

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1 D. PILSZAK
2 transfer it to, like, Alex or somebody like
3 that.
4 **Q. Do you recall receiving any**
5 **inquiries or questions -- not necessarily**
6 **complaints -- from customers specifically**
7 **about the sinks that All Granite installs?**
8 A. No.
9 **Q. Have you ever had a customer ask**
10 **you where they can obtain accessories for the**
11 **sinks that All Granite installs?**
12 A. No. We don't have accessories for
13 sinks there.
14 **Q. I'm asking whether a customer has**
15 **ever called to ask for accessories.**
16 A. Maybe a grid or something like
17 that. I don't even know what a grid is. So I
18 just transfer it -- like I said before, I just
19 transfer it to somebody higher than me.
20 **Q. Would that typically be Alex or**
21 **Daniel if they're around?**
22 A. Anybody. Whoever's available.
23 **Q. Would you transfer a call like**
24 **that to Peter?**
25 A. Yeah. Because he's been there
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1 D. PILSZAK
2 **Q. Was there any instruction to read**
3 **it when it was given to you?**
4 A. No. Just a memo. When I have
5 time I usually go over something. We have a
6 high volume of people coming in so it's
7 like -- there's really no time to read things.
8 **Q. Did you discuss with any of the**
9 **other salespeople at the South Plainfield**
10 **location this memo?**
11 A. No.
12 **Q. Mr. Pilszak, do you know if All**
13 **Granite has continued to install kitchen sinks**
14 **since January 11th, 2008?**
15 A. I have no idea.
16 **Q. You hadn't heard anything about**
17 **any stoppage of sink installations, have you?**
18 A. No, sir.
19 **Q. Mr. Pilszak, are you aware of any**
20 **other investigations into All Granite?**
21 A. No.
22 MR. MALTBIE: Just give me a
23 minute and I'll take a look at my notes.
24 Let's go off the record.
25 (Recess taken.)
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1 D. PILSZAK
2 longer than me.
3 (Plaintiff's Exhibit 2, document
4 bearing production number AGM 196, marked
5 for identification as of this date.)
6 MR. MALTBIE:
7 **Q. Mr. Pilszak, if you could take a**
8 **look at what's been marked as Plaintiff's**
9 **Exhibit 2 and tell me if you've ever seen this**
10 **document before.**
11 A. Yes, I have.
12 **Q. And to your understanding what is**
13 **this document?**
14 A. I could read it. No affiliation
15 with Artisan Sink Corporation. I just got it.
16 I just got it in my hand and I put it in my
17 desk.
18 **Q. Do you recall when you got it?**
19 A. This week definitely. A few weeks
20 ago. And today I saw it once again here
21 (indicating).
22 **Q. You say that you got it in your**
23 **hand and put it in your desk. Did you read it**
24 **before you put it in your desk?**
25 A. No.
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1 D. PILSZAK
2 MR. MALTBIE: No further
3 questions.
4 MR. CHIODO: Okay. I just have
5 very short cross.
6 EXAMINATION BY
7 MR. CHIODO:
8 **Q. Chris, you had mentioned that you**
9 **basically had some sinks and some were out of**
10 **stock and some were in stock.**
11 A. Yes.
12 MR. CHIODO: I'd like to mark as
13 Defendant's Exhibit 73, the document
14 bearing Bates label ART 00241.
15 (Defendant's Exhibit 73, document
16 bearing production numbers ART 00241
17 through ART 00242, marked for
18 identification as of this date.)
19 BY MR. CHIODO:
20 **Q. If you look at Defendant's**
21 **Exhibit 73 which is two pages, ART 241 and ART**
22 **242, and I'll represent that ART 242 appears**
23 **to be a blown-up version of 241.**
24 **And have you ever seen this**
25 **document before?**
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D. PILSZAK

A. No. Have I? It's a sink.
D-shaped.

Q. Do you know what this is?

A. Yeah. It's a printout of the
sink. I don't know. Looks like a D-shape to
me. I've never seen this before.

Q. Do you know if this is something that All Granite carries in its stores?

A. No. We definitely don't have
this.

MR. CHIODO: Okay. No further
questions.

EXAMINATION BY
MR. MALTBIE:

Q. When you say you definitely don't have that, you mean you don't carry the sink or you don't have this paper --

A. We don't have papers like this.

Q. But you do carry a D-shaped sink in South Plainfield, correct?

A. We carry a D-shaped sink, yes. On
display. I only know what's on display.

Q. With respect to what's on display have you received any training with respect to

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D. PILSZAK**those sinks or what they are?**

MR. CHIODO: Objection. It's been
asked and answered. You can answer.

A. I was just going to say that. You
asked me that question before.

MR. CHIODO: You can answer the
question.

A. Can you repeat it? I forgot it
now.

Q. With respect to the sinks that are on display have you received any training with respect to what the sinks are?

(Continued on next page to include
jurat.)

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D. PILSZAK

A. No.

MR. MALTBIE: No further
questions.

MR. CHIODO: Okay.

(Time Noted: 10:52 a.m.)

DANIEL PILSZAK

Subscribed and sworn to before me
this ____ day of _____, 2008.

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**C E R T I F I C A T E
S T A T E O F N E W Y O R K)**

: ss.

C O U N T Y O F N E W Y O R K)

I, FRANCIS X. FREDERICK, a
Notary Public within and for the State
of New York, do hereby certify:

That DANIEL PILSZAK, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of
the testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that
I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 12th day of
February, 2008.

FRANCIS X. FREDERICK

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1
2 ----- I N D E X -----
3 WITNESS EXAMINATION BY PAGE
4 DANIEL PILSZAK MR. MALTBIE 4, 46
5 MR. CHIODO 45
6
7
8
9
10 ----- INFORMATION REQUESTS -----
11 DIRECTIONS: NONE
12 RULINGS: NONE
13 TO BE FURNISHED: NONE
14 REQUESTS: NONE
15 MOTIONS: NONE
16
17
18
19 ----- EXHIBITS -----
20 PLAINTIFF'S FOR ID.
21 Exhibit 1
22 document bearing production numbers
23 ART 00022 through ART 00042..... 36
24 Exhibit 2
25 document bearing production number
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3 ----- EXHIBITS -----
4 DEFENDANT'S FOR ID.
5 Exhibit 73
6 document bearing production numbers
7 ART 00241 through ART 00242..... 45
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1
2 NAME OF CASE: ARTISAN v. ALL GRANITE
3 DATE OF DEPOSITION: FEBRUARY 7, 2008
4 NAME OF WITNESS: DANIEL PILSZAK
5 Reason codes:
6 1. To clarify the record.
7 2. To conform to the facts.
8 3. To correct transcription errors.
9 Page _____ Line _____ Reason _____
10 From _____ to _____
11
12 Page _____ Line _____ Reason _____
13 From _____ to _____
14
15 Page _____ Line _____ Reason _____
16 From _____ to _____
17
18 Page _____ Line _____ Reason _____
19 From _____ to _____
20
21 Page _____ Line _____ Reason _____
22 From _____ to _____
23
24
25 DANIEL PILSZAK
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